

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DENISE DEJESUS,

Plaintiff,

-v-

CYNTHIA KANE and MINNEH MARY KANE,

Defendants.
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ORDER

19-CV-7914 (JLC)

JAMES L. COTT, United States Magistrate Judge.

The Court held a settlement conference in this case on April 12, 2021. The conference had to be adjourned because defendants did not have someone participating who had authority to settle the case. In scheduling a continuation of the settlement conference for May 10, the Court issued an order providing explicitly:

As is required in the Court's Acknowledgement Form, the person attending the conference is the person with ultimate responsibility for determining the settlement amount: that is, the person responsible for giving settlement authority, not someone who has received authority from another person. In addition, in this case since there is an insurance carrier with authority over settlement, a representative from such carrier with complete responsibility over settlement must be present by telephone for the duration of the conference. As counsel was informed at today's conference, failure to comply with this requirement will result in sanctions.

Dkt. No. 52.

Today, on the eve of the settlement conference, counsel for defendants has written to the Court and advised that, despite the Court's directive that a representative from Geico, defendants' insurance company, with sufficient authority

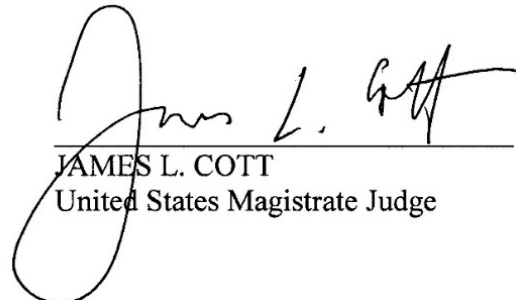
to settle case, appear at the conference, defendants “are unable to guarantee the presence at the conference of such an individual and request the conference be cancelled.” Dkt. No. 54.

The request to cancel the conference is **DENIED**. The parties have been on notice for a month of this conference. Defendants’ eleventh-hour request for a cancellation is thus untimely. Additionally, defendants seem to suggest that they have a choice whether to comply with the Court’s directive. They do not have such a choice. The Court has ordered that someone with complete settlement authority from Geico attend the conference. As previously indicated, **failure to comply with that requirement will result in sanctions.** *See, e.g., Grenion v. Farmers Ins. Exch.*, No. CV-12-3219 (JS) (GRB), 2014 WL 1284635, at *5 (E.D.N.Y. Mar. 14, 2014) (sanctioning defendant for failing to produce “a representative of the insurer authorized to negotiate, and who has full authority to settle the matter”).

Accordingly, the conference will proceed. Moreover, counsel should be aware that the conference was rescheduled to begin at **10:30 a.m.** See Dkt. No. 51. The parties should therefore call the Court at that time at (877-873-8017 – access code: 5277586).

SO ORDERED.

Dated: May 7, 2021
New York, New York



JAMES L. COTT
United States Magistrate Judge